

UNITED STATES DISTRICT COURT

for the
EASTERN DISTRICT OF WISCONSIN

In the Matter of the Search of

Case Number: 12-835M(NS)

An Express Mail parcel mailed on March 20, 2012 bearing label number EI234010166US. This parcel bears a handwritten label addressed to "Chris Geier," 121 Juneau St., Horicon, WI 53032, and bears the return address of "Brandon Linquist," P.O. Box 5759 Sherman Oaks, CA 91413. The parcel is 17 inches, by 17 inches, by 16 inches, weighs approximately 5lbs. 4oz., and bears \$54.55 in postage.

APPLICATION & AFFIDAVIT FOR SEARCH WARRANT

I, Mark Spellman, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

An Express Mail parcel mailed on March 20, 2012 bearing label number EI234010166US. This parcel bears a handwritten label addressed to "Chris Geier," 121 Juneau St., Horicon, WI 53032, and bears the return address of "Brandon Linquist," P.O. Box 5759 Sherman Oaks, CA 91413. The parcel is 17 inches, by 17 inches, by 16 inches, weighs approximately 5lbs. 4oz., and bears \$54.55 in postage.

located in the Eastern District of Wisconsin there is now concealed: **Please see attached affidavit, which is hereby incorporated by reference.**

The basis for the search warrant under Fed. R. Crim. P. 41(c) is which is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of a crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Title 21, United States Code, Sections 843(b).

The application is based on these facts:

☒ Continued on the attached sheet, which is incorporated by reference.
☐ Delayed notice of ____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me, and signed in my presence.

Date March 21, 2012

City and state: Milwaukee, Wisconsin

Applicant's signature

Name and Title: MARK D. SPELLMAN POSTAL INSPECTOR

Judge's signature

THE HONORABLE NANCY JOSEPH

United States Magistrate Judge

Name & Title of Judicial Officer

AFFIDAVIT

I, Mark Spellman, being duly sworn on oath, state as follows:

1. I am a United States Postal Inspector currently assigned to the Milwaukee Field Office of the United States Postal Inspection Service. I have been employed as a Postal Inspector for over 20 years. My primary duties include investigating mailing of suspected controlled substances. As a Postal Inspector, I have been involved in several investigations of narcotics trafficking through the United States mail. Based upon my experience as a federal law enforcement officer, I know that the United States mail is sometimes used to deliver controlled substances.

2. The information contained in this affidavit is either the result of personal observations and investigation or has been relayed to me by other law enforcement agents or citizen witnesses, all of whom I believe to be reliable.

3. The Postal Inspection Service has implemented a U.S. Mail Narcotic Interdiction program nationwide. This program consists of a physical inspection of mail parcels which have been mailed to or from locations throughout the country. Packages bearing identifiable characteristics of drug parcels are subjected to a certified narcotics dog trained to detect controlled substances.

4. This affidavit is submitted in support of an application for a search warrant for a 17 inch, by 17 inch, by 16 inch, Express Mail parcel mailed on March 20, 2012 bearing label number EI234010166US. This parcel bears a handwritten label addressed to "Chris Geier," 121 Juneau St., Horicon, WI 53032, and bears the return address of "Brandon Linquist," P.O. Box 5759 Sherman Oaks, CA 91413. The parcel weighs approximately 5lbs. 4oz. and bears \$54.55 in postage.

5. On March 21, 2012, Postal Inspector Mark Spellman was profiling Express Mail at the Milwaukee Processing and Distribution Center. Inspector Spellman observed a suspicious Express Mail parcel from Sherman Oaks, California going to Horicon, Wisconsin.

6. The parcel originated from California which is a known source state for narcotics. The label on the parcel is handwritten and is also heavily taped. Your affiant knows by his training and experience that parcels which contain controlled substances often use handwritten address information and are heavily taped. The zip code written on the Express Mail label is "91413." Your affiant has determined the zip code of "91413" does not exist in the Postal system. The postage meter strip on the parcel bears the correct zip code for Sherman Oaks, California which is 91403. Your affiant knows by his training and experience, that parcels which contain controlled substances often use fictitious address information in order to make the mailing seem legitimate.

7. On March 21, 2012, Inspector Spellman picked up the parcel described in paragraph 4 and made arrangements to bring a narcotics detecting canine from the Milwaukee Police Department to the Milwaukee Postal Inspection Service office. On this same date, I met with Milwaukee Police Detective Eugene S. Nagler and his canine "Duke," who are trained and certified in the detection of dangerous drugs by the North American Police Work Dog Association. Detective Nagler and Duke were originally certified on June 25, 2004, and are recertified annually with a recent recertification on June 6, 2011. The controlled substances they are certified in detecting include marijuana, heroin, and cocaine. Detective Nagler stated Duke has alerted over 500 times including training, to the presence of controlled substances he is trained to detect. Duke's alerts

have been the basis for more than 100 search warrants, and more than 100 searches of motor vehicles. In addition, according to Inspection Service records Duke has successfully alerted to controlled substances on U.S. Mail Parcels and letters on 84 occasions since February of 2008, for a success rate of 100%.

8. On March 21, 2012, Inspector Spellman placed the aforementioned parcel on the ground on the loading platform at the Milwaukee Processing and Distribution Center with five other similar parcels. Duke alerted on the parcel bearing the address of "Chris Geier," 121 Juneau St., Horicon, WI 53032, as described in paragraph 4 above, by scratching and biting at it. Detective Nagler advised these actions are consistent with Duke detecting the odor of controlled substances. Duke did not alert on any of the other five parcels.

9. I believe that, based upon the evidence described above, there is probable cause to indicate that the contents of the parcel bearing the address of "Chris Geier," 121 Juneau St., Horicon, WI 53032 are drug related, and may thus be evidence of using the mail to facilitate the possession and/or distribution of a controlled substance, in violation of Title 21, United States Code 843(b).